SBCivil Writ Petition No.6633/2005

Dr.B.C.Lodha
vs.
Rajasthan Agricultural University, Bikaner

Date of Order :: 7th April, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.S.Singhvi, for the petitioner.
Mr. D.S.Rajvi, for the respondent.

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The petitioner entered in the service of Mohan Lal Sukhadia University, Udaipur being appointed as Professor on 27.2.1984. Prior to it the petitioner was in employment of Haryana Agricultural University, Hissar in the capacity of Associate Professor from 28.8.1977 to 26.2.1984. The petitioner also remained in employment of Rajasthan University, Jaipur as Lecturer from 4.8.1964 to 21.8.1977. The services of the petitioner were placed with the services of Rajasthan Agricultural University on its establishment by bifurcation of Mohan Lal Sukhadia University, Udaipur w.e.f. 1.7.1987. The petitioner stood retired from services on achieving the age of superannuation on 28.2.1977.

In the fashion stated above, the petitioner remained in employment of Mohan Lal Sukhadia University, Udaipur and Rajasthan Agricultural University, Bikaner as Professor from 27.2.1984 to 28.2.1997 and in employment of Rajasthan University,

Jaipur and Haryana Agricultural University, Hissar from 14.8.1964 to 26.2.1984.

The cause giving rise to instant petition for writ is that respondent Rajasthan Agricultural University while determining pension and other post retiral benefits pertaining to the petitioner did not take into consideration the services rendered by the petitioner from 14.8.1964 to 21.8.1977 in Rajasthan University, Jaipur and from 21.8.1977 to 26.2.1984 with Haryana Agricultural University, Hissar. The petitioner while agitating his claim prayed for an appropriate writ, order or direction in following terms:-

> "I.the respondents may be directed to revise the pensionary and other terminal benefits of the petitioner after counting the services rendered by him from 14.8.1964 to 21.8.1977 in Rajasthan University, Jaipur and from 22.8.1977 to 26.2.1984 in HAU, Hissar, with all consequential benefits;
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> II.the respondents may be directed to compute the arrears payable to the petitioner, after deducting the contribution payable by the petitioner for the above mentioned period and pay to the petitioner arrears along with interest at the rate of 15% per annum from the date the amount became payable till the date of payment."

On behalf of respondent University a reply to the writ petition has been filed stating therein that the period commencing from 14.8.1964 to 26.2.1984 is required to be taken into consideration while determining pension and other post retiral benefits subject to the condition the petitioner make payment of contribution averred as under:-

> "i.Rajasthan University contribution Provident Fund Rs.19,658 plus 11,193 up to February 2006 with interest Rs.186558.
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> ii.Services rendered in Rajasthan Agriculture University Jaipur from 14.8.64 to 21.8.77 and gratuity [Rajasthan University] Rs.38,960 plus 2,338 up to Feb., 06.
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> iii.Agriculture University, Hissar University Provident Fund Rs.2,45317 plus 14,919 up to February 2006.
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> iv.Gratuity Hissar University Rs.14573 plus 874.
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> v.Total comes to Rs.5,14,532/-."

It is specifically stated in reply to the writ petition that in the event the petitioner deposits the amount referred above the claim made by the petitioner can be accepted. An additional affidavit sworn in by Shri Uttam Chand Jaipal, Assistant Accounts Officer of Rajasthan Agricultural University, Bikaner is also placed on record giving

details of the amount which is required to be deposited by the petitioner and the amount that is required to be paid by the University to the petitioner in the event of acceptance of claim made by him. The amount which is required to be paid by the petitioner to the University as upto February, 2006 is 5,14,532/- approximately whereas the amount which is required to be paid by the University to the petitioner is quite higher to it. The amount which is required to be deposited by the petitioner to the University, therefore, can very well be adjusted by the University while making the payment of arrears to the petitioner against his pensionary and other post retiral benefits. No useful purpose shall be served if petitioner is compelled to first deposit the contribution demanded by the University and then to make repayment of arrears to the petitioner, rather it will be an unnecessary exercise required to be discharged by both the parties.

Accordingly, this petition for writ is disposed of with a direction to the respondent University to release and pay to the petitioner all the arrears for which petitioner is entitled as a difference in pension and other pensionary benefits by taking into consideration services rendered by him with Rajasthan University, Jaipur and Haryana Agricultural University, Hissar by adjusting the contribution required to be paid by the petitioner to

the University. It is made clear that while charging interest from the petitioner if the respondent University determine it by compounding the same then the arrears required to be paid to the petitioner shall also be determined by compounding the interest with principal amount, if University charges simple interest then the petitioner shall also be entitled for getting simple interest on the arrears. It is expected from the University to complete the entire exercise as stated above within a period of four weeks from today.

No order as to costs.

(GOVIND MATHUR),J.

kkm/ps.